

## Official Proceedings

July 2, 2019  
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

### Agenda

Chairman Zander asked for any changes to the agenda. Consolidated network, SW CRIB appointment, ND Annual Conference, and Auditor Position were added.

**MOTION BY:** Commissioner Elkin      **SECOND BY:** Commissioner Franchuk

To approve the agenda as presented with the additions.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the June 4, 2019 Board of County Commissioner's meeting were presented.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Elkin

To approve the minutes of the June 4, 2019 Board of County Commission minutes as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

The minutes of the June 12, 2019 Board of County Commissioner's Special meeting were presented.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud

To approve the minutes of the June 12, 2019 Board of County Commission Special meeting minutes as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### Accounts Payable

The invoices for KLJ and Dickinson Rotary Club were questioned. In the past membership to clubs such as Rotary Club has been paid for by individuals.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Elkin

To approve the accounts payable with the supplement as presented excluding the Dickinson Rotary Club and payment will be issued to KLJ once further clarification on the invoice is presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**General:** \$567,170.47;

**10 Mill:** \$258,496.80;

**County Road:** \$655,071.25;

**Highway Tax Distribution:** \$166,052.68;

**Social Welfare:** \$296,026.96;

**Capital Improvement:** \$9.84;  
**County Jail:** \$145,880.28;  
**VSO Fund:** \$11,817.15;  
**County Agent:** \$8,337.07;  
**Weed Control:** \$33,852.79;  
**9-1-1:** \$36,113.34;  
**Fingerprint Station:** \$4.77;  
**OT Grant PHSPOP:** \$439.80;  
**OT Grant PHSPID:** \$257.52;  
**Security Reimbursement:** \$140.60;  
**SW Victim Witness Program:** \$7,841.49;  
**Preservation Fund:** \$2.10;  
**State Reimbursements:** \$350.00;  
**Siren Contingency:** \$344.64;  
**24/7 Fund:** \$5,139.13;  
**Other Reimbursements:** \$83.04;  
**Judgement Execution:** \$1,021.20;  
**911 Equipment:** \$81.24;

**Sheriff Lee**

Sheriff Lee provided his monthly report which included the following:

- 1,322 calls for service were reported with 335 additional courtroom security hours.
- 173 criminal papers were received, 145 were served, and 13 were DNF/Returned;
- There were a total of 282.5 hours of overtime at a cost of \$9,162.36;
- The arrest tally included 245 stops, 8 accidents, 150 citations, and 57 warnings for a total of 215;
- The Sheriff Sales and foreclosures received 7 executions, 4 Sheriff Sales, and revenue of \$4,160.02;

- The truck reg. program had a total of 13 stops with a total of \$4,326.00 in fines;
- 147 civil papers were received and 101 were served;
- Transports included 3 for other counties, 11 criminal, 18 daily court, 2 medical, 9 mental health, and 8 juveniles;
- The monthly income included \$3,501.00 for civil, \$44,098.23 for truck reg, \$90.00 for fingerprints, and \$2,990.90 for 24/7.

Sheriff Lee is requesting to fill an open position. This position is a budgeted position

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Franchuk

To authorize the Sheriff to fill the requested position.

**DISPOSITION:** Motion carried

#### **Road Superintendent - Al Heiser**

Mr. Heiser provided his monthly report of which further details will be presented during the Engineer's report. Mr. Heiser is also requesting authorizing to proceed with a county surplus auction.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Elkin

To authorize the Road and Sheriff's department to proceed with a surplus property auction.

**DISPOSITION:** Motion carried

#### **County Engineer – Andrew Krebs**

Mr. Krebs provided the following monthly report:

- CBP-0045(17)03 35<sup>th</sup> Street SW Green River Low Water Crossing – Martin, Progress estimate 5 submitted for payment. Construction is complete. Working on project final.
- BRO-0045(067)PCN21764 119<sup>th</sup> Ave SW Structure 45-113-20.0 Replacement – Schwartz, 2019 Construction. Schwartz previously indicated a middle of July start date.
- BRO-0045(066)PCN21994 CMC 4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT. Plan to bid in February 2020 for 2020 construction. Draft environmental document was submitted to NDDOT for review.
- SC-4500(019)PCN22506 and SU-5-983(064)PCN22507 Chip Seal Paved Roads west of Dickinson – Final environmental document has been submitted to the NDDOT. Working on preliminary plans. October 11, 2019 Bid Opening thru the NDDOT.

#### **Jeremy Wood**

Mr. Wood provided his monthly report to include the following:

- COIB-5-983(061) 34<sup>th</sup> Street (between ND 22 and 113<sup>th</sup> Ave) – This project is a joint project between Stark County and the City of Dickinson. The west mile has been graded and graveled. Hlebechuk Construction has completed the grading for the east mile and County forces have completed the graveling in preparation for the paving project. The only remaining item left is erosion control.
- COIB-5-983(061) 34<sup>th</sup> Street (between ND 22 and 113<sup>th</sup> Ave) – This project is a joint project between Stark County and the City of Dickinson to pave two miles of 34<sup>th</sup> Street from ND 22 west two miles. Bids were opened January 8<sup>th</sup> with Northern

Improvement Company the low bidder at \$1,786,481.70. A preconstruction meeting was held on June 25<sup>th</sup>. Construction is expected to begin in a couple of weeks.

- CP-45(19)02 80<sup>th</sup> Ave SW Bridge Replacement North of Antelope – The design is complete and easements secured for this bridge replacement project. Bids were opened March 5, 2019 with Baranko Brothers Inc. the low bidder at \$154,471.91. A pre-construction meeting was held on June 6<sup>th</sup>. Construction is expected to begin July 8<sup>th</sup>.
- CP-45(19)04 41<sup>st</sup> Street SW Bridge Replacement Southeast of Richardton – The design is complete and easements secured for this bridge replacement project. Bids were opened April 2, 2019 with Hlebechuk Construction the low bidder at \$189,539.86. Construction is expected to begin in late July.
- CP-45(19)03 127<sup>th</sup> Ave SW Bridge Replacement Southeast of Belfield – The design is complete and easements secured for this bridge replacement project. There are no utility adjustments/relocations anticipated for this project. Bids were opened May 7<sup>th</sup> with Martin Construction the low bidder at \$308,764.42.
- CP-45(19)01 30<sup>th</sup> Street (from ND 22 East 3.1 Miles) – We have completed an Engineer's Estimate for a grading project located on 30<sup>th</sup> Street (Dunn/Stark County Line) east of ND 22. The traffic counts have been completed. The survey and design is complete and we have begun coordinating with utility companies on estimated costs for potential adjustments/relocation. Bids were opened May 7<sup>th</sup> with Edward H Schwartz Construction the low bidder at \$559,714.05. Construction is expected to begin in early August.
- We completed a drainage survey along 31<sup>st</sup> northeast of South Heart and recommended to Supt. Heiser a culvert be installed to alleviate a drainage issue.

### **ND Annual Conference**

Ms. Haag advised the North Dakota Association of Counties annual conference will be held in Bismarck October 6<sup>th</sup> through 8<sup>th</sup>. Ten hotel rooms have been reserved and she needs to know who will be attending.

### **Mike Njos – Highland**

Mr. Njos provided his monthly report to include the following:

- 2019 Stark County Chip Seal (HES Project #199470) – Astech is planning to begin his weekend 6-28-19. A progress update will be given at the Commission meeting.
- 36<sup>th</sup> St SW Bridge Replacement 45-151-08.1 8 miles E. of Richardton (HES Project #199568) – The Army Corps permit has been submitted for approval and we are waiting on their response. Design plans are 95% complete. Once we receive the Corps response we will advertise for bids. The BNSF Railway will not allow us to obtain a preliminary temporary construction easement-they need the contractor's name to proceed with the easement. Once the Agreement is executed, the Contractor will have to immediately submit the temporary construction easement application. This permit process may take another 3-4 weeks after application submission. The proposed schedule is as followed:
  - Advertise for bid: July 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>, and August 3<sup>rd</sup>.
  - Bid opening at Commission meeting August 6<sup>th</sup>.

- Obtain BNSF Construction Easement September 2<sup>nd</sup>.
- Construction completion November 15<sup>th</sup>.
- 10<sup>th</sup> Ave E (Dickinson) Culvert Replacement ½ mile north of 21<sup>st</sup> St E (HES Project #199582) – The structure sizing is complete-a single 14x4x90' long concrete box culvert is required to pass the 25 year event. We are proceeding with the project to be bid this coming fall.

### **Pledge of Assets**

Ms. Haag presented the following pledge of assets with totals as of June 30, 2019:

- American Bank Center – Balance of \$42,201,126.63, Market Value of \$50,940,046.99, and pledging required amount of \$46,146,239.29;
- Dacotah Bank CD – Balance of \$0.00;
- Dakota Community Bank – Balance of \$5,637,386.92, Market Value of \$7,722,086.79, and pledging required amount of \$5,926,125.61;
- Bremer Bank CD – Balance of \$3,750,000.00, Market Value of \$4,200,000.00, and pledging required amount of \$3,850,000.00;
- Bank of the West – Balance of \$0.00;
- Western Cooperative Credit Union – Balance of \$0.00.

**MOTION BY:** Commissioner Elkin                      **SECOND BY:** Commissioner Kuntz

To accept pledge of assets as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **SW CRIB Appointment**

Mr. Fahlsing is requesting that Stark County replace Dickinson Police Chief Dustin Dassinger with Dickinson Police Lieutenant Mike Hanel to the Southwest Coordinated Regional Interoperability Board as the backup representative for Stark County.

**MOTION BY:** Commissioner Elkin                      **SECOND BY:** Commissioner Franchuk

To appoint Mike Hanel as requested and authorize the Chairman's signature on the presented appointment letter.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **Consolidated Network**

Mr. Fahlsing is requesting a point-to-point network be installed at the communications tower on radar base hill and presented multi-year contract pricing. The cheapest pricing is a five year contract which includes free installation with a monthly cost of \$165.00.

**MOTION BY:** Commissioner Kuntz                      **SECOND BY:** Commissioner Elkin

To approve the presented five year consolidated contract to be taken out of the I.T. fund and authorize the Chairman's signature.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **Sunrise Youth Bureau**

Ms. Praus provided a status report for the Sunrise Youth Bureau for 2019 and advised they are not requesting additional funds than what they are currently receiving for the 2020 budget.

### **Steve Josephson – Out-of-State Travel**

Mr. Josephson is requesting out-of-state travel to the Western Planner's Conference in Santa Fe, September 8<sup>th</sup> through 10<sup>th</sup>. This conference will assist in Mr. Josephson maintaining his certification. The Commission did request specific costs related to the travel request and to report back to the Commission.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Elkin

To approve the travel request for Mr. Josephson as presented.

**DISPOSITION:** Roll call vote. Commissioner Kuntz, Nay. Commissioner Franchuk, Aye. Commissioner Arthaud, Nay. Commissioner Elkin, Aye. Chairman Zander, Aye. Motion carried

### **Scull Construction**

Mr. Cockeram advised that the land purchase is complete for the new Social Service building. The rebids for the masonry and signage were presented for approval.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Arthaud

To approve the rebids for the masonry and signage as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

An overview was provided of the gross maximum price of the total cost of construction at \$10,026,969. JLG provided the additional costs including soft costs bringing the project total to \$12,785,691.

### **Industrial Appraisal – Kompleks Dustin Bakken**

Dustin Bakken with Kompleks provided an overview of his industrial appraisal business based out of Bismarck. Ms. Wandler advised we do have another contract however this is a more local option.

**MOTION BY:** Commissioner Elkin      **SECOND BY:** Commissioner Arthaud

To accept the proposal from Kompleks as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **ND Building Code Ordinance – Natalie**

Forsgren is currently redoing their insurance and needs a copy of when Stark County adopted the building codes. Mr. Josephson advised it is part of the Planning and Zoning code. The Commission also discussed renegotiating the current contract as 80% of the funds are leaving Stark County.

### **Zoning**

MSP 04-19 – John Heinen is requesting a Minor Subdivision Plat of the Heinen Subdivision located in the SW ¼ of the NW ¼ of Section 22, Township 138, Range 96 containing approximately 9.21 acres. Planning and Zoning along with staff recommends approval.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud

To approve the Minor Subdivision Plat as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

RZ 05-19 – Matthew and Jennifer Johnson are requesting a rezoning from Agriculture to Rural Residential on a property located in the SW ¼ of Section 1, Township 140, Range

96 containing approximately nine acres. Planning and Zoning along with staff recommends approval.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud

To approve the rezoning request as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

RZ 06-19 – Dickinson Indoor Ranges LLC is requesting a rezoning from Agriculture to Commercial on a property located in the SW ¼ of the NW ¼ of Section 2, Township 139, Range 97 containing approximately five acres. Planning and Zoning along with Staff recommends approval.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud

To approve the rezoning request as presented.

**DISPOSITION:** Roll call vote. Commissioner Arthaud, Aye. Commissioner Elkin, Aye. Commissioner Kuntz, Nay. Commissioner Franchuk, Aye. Chairman Zander, Nay. Motion carried

CUP 01-19 – Dickinson Indoor Ranges LLC is requesting a Conditional Use Permit for an indoor firing range on a property located in the SW ¼ of the NW ¼ of Section 2, Township 139, Range 97 containing approximately five acres. Planning and Zoning along with staff recommends approval. Members of the public voiced concerns regarding the project.

**MOTION BY:** Commissioner Elkin      **SECOND BY:** Commissioner Franchuk

To amend condition “J” to a minimum 2 foot earth berm at a height of 8 feet.

**DISPOSITION:** Roll call vote. Commissioner Arthaud, Aye. Commissioner Elkin, Aye. Commissioner Kuntz, Nay. Commissioner Franchuk, Aye. Chairman Zander, Nay. Motion carried

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Arthaud

To approve the amended conditional use permit.

**DISPOSITION:** Roll call vote. Commissioner Arthaud, Aye. Commissioner Elkin, Aye. Commissioner Kuntz, Nay. Commissioner Franchuk, Aye. Chairman Zander, Nay. Motion carried

### **Hiring Policy**

A hiring policy was discussed regarding filling open positions. The portfolio commissioner should be notified of an open position and then brought to the Board of County Commissioners for approval. A requisition form and policy will be worked on and presented at a Department Head meeting and brought back to the Commission.

### **Auditor’s Position**

Discussion was held regarding moving the Auditor position from an elected position to an appointed position. It was advised that in order to proceed the County would need the current Auditor’s approval and the County cannot proceed while the existing Auditor holds office. To change the position the County will need to hold two public hearings prior to taking action.

### **Other**

Sheriff Lee requested out-of-state travel for four people to attend the annual Zuercher conference to be held in Sioux Falls, South Dakota in September. Travel would be the only expense.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Kuntz

To approve Sheriff Lee's out-of-state travel request as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

The following Miscellaneous Receipts were filed: General: \$482,351.85; 10 Mill: \$53,358.16; County Road: \$188,819.39; Highway Distribution: \$418,300.88; Special Road & Bridge: \$12,744.24; Social Services: \$1,095.00; Capital Improvement: \$118,868.54; County Jail: \$46,609.80; County Agent: \$9,129.28; Weed Control: \$18,272.78; Emergency: \$2,850.24; Veteran's Service Officer: \$6,266.38; E-911 Fund: \$39,893.44; Fingerprint Station: \$90.00; Estimate Tax: \$615.00; Security Reimb: \$278.24; Victim Witness: \$27,112.79; Preservation Fee: \$1,605.00; State Reimbursements: \$624.05; 24/7 Fund: \$8,656.00; Other Reimbursements: \$136.94; Judgement Execution: \$1,021.20; 911 Equipment: \$4,746.09;

**MOTION BY:** Commissioner Elkin

**SECOND BY:** Commissioner Arthaud

To adjourn the meeting.

**DISPOSITION:** Motion carried